

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12822 of the Peoples' Republic of Bangladesh, pursuant to Section 4603 of the Zoning Regulations, for permission to use the premises as a chancery in the D/R-1-B District at the premises 2501 Massachusetts Avenue, N.W., (Square 2505, Lot 9).

HEARING DATE: December 6, 1978
DECISION DATE: February 28, 1979

FINDINGS OF FACT:

1. This application was originally advertised as a special exception under Sub-section 8207.2 of the Zoning Regulations. By corrected notice, dated November 21, 1978, all parties were advised that, pursuant to the Zoning Regulations adopted by the Zoning Commission in Order No. 236, the application will not be considered as a special exception but will be governed by Section 4603 of the Zoning Regulations.

2. The subject property is located in the northeast quadrant of the intersection of Massachusetts Avenue and California Streets, N.W. It is known as 2501 Massachusetts Avenue and is in a D/R-1-B District.

3. The subject lot is approximately 8,744 square feet in area and is improved with a three story limestone and stucco building with an area of approximately 8,263 square feet. To the rear of the building is an enclosed patio and a garden. The west side of the building, contains an enclosed garage for two cars. The building was constructed prior to May 12, 1958, the effective date of the current Zoning Regulations.

4. The building is set back approximately forty feet from the curb line of Massachusetts Avenue and has a semi-circular driveway. The lot is wedge-shaped.

5. The subject property is within the Massachusetts Avenue Historic District.

6. The subject property is owned by the Peoples' Republic of Bangladesh and is used by its ambassador as a residence. The interior consists of eighteen rooms comprising bedrooms, sitting and living rooms.

7. The applicant proposes to relocate its Chancery from 3421 Massachusetts Avenue, N.W. to the subject building. The applicant proposes to use the first and second floor of the subject property as a chancery and the third floor to be designed for residential and representational purposes for official visitors. The Embassy of the Peoples' Republic of Bangladesh is located presently at No. 4 Highboro Court, Bethesda, Maryland.

8. The applicant proposes to locate on the subject site an ambassador, seven officers, eighteen employees, nine automobiles, the occupants of three "residential units" on the third floor and visitors. The chancery's business operations are from 9:30 a.m. to 5:30 p.m.

9. In the subject square 2505, bounded by Massachusetts Avenue, California Street, 24th Street, Tracy Place and Belmont Road there are thirty four structures. Twenty eight are used as residences and six are used as chanceries.

10. The application is brought under Section 4603 of the Zoning Regulations, which provides in pertinent part as follows:

4603.1 In areas mapped D, R-5-C, or SP, a chancery is a permitted use, provided that the Board of Zoning Adjustment determines after a public hearing that the proposed Chancery is not incompatible with the present and proposed development of the neighborhood.

4603.2 In determining that the proposed chancery is not incompatible with the present and proposed development of the neighborhood, the Board of Zoning Adjustment must find that:

4603.21 The architectural design and the arrangement of all structures and of off-street parking spaces are in keeping with the character of the neighborhood.

4603.22 The height of the building does not exceed the maximum permitted in the applicable single or combined District in which it is located.

4603.23 The percent of lot occupancy does not exceed the maximum permitted and the minimum yard and court requirements are met in the applicable single or combined District in which it is located.

4603.24 The maximum FAR does not exceed the FAR prescribed for the applicable single District or the combined Districts in which it is located or an FAR of 1.5, whichever is greater.

4603.25 Except for Chanceries located in an R-5-C or R-5-D District, off-street parking spaces will be provided at a ratio of not less than one such space for every eight hundred (800) square feet of gross floor area devoted to chancery use.

4603.28 The use will not create dangerous or other objectionable traffic conditions

11. The height of the subject building is thirty five feet. It does not exceed the maximum height of forty feet which is permitted in the R-1-B District, and thus in the combined subject D/R-1-B District, as specified in Sub-section 3201.1 and Paragraph 4603.22.

12. The lot occupancy of the subject building, including the building in the rear which the applicant recently enclosed, is approximately forty-five percent and exceeds the maximum of forty percent permitted for the subject combined district, as specified in Sub-section 3303.1 and 4603.23 of the Zoning Regulations. At the Public Hearing the applicant requested to amend the application and now seeks a variance from the lot occupancy requirements of the Zoning Regulations. However, the applicant presented no evidence or testimony to support the granting of such a variance.

13. The east side yard is 11.7 feet wide. The west side yard is 11.69 feet wide at the front of the building and narrows down to a width of approximately one foot to the rear of the building. Sub-section 3305.1 of the Zoning Regulations requires a minimum width of eight feet for each side yard. The subject property was constructed prior to the current Zoning Regulations and from the aspect of the west side yard is a non-conforming structure. According to the architect's plans, Exhibit 112, the court requirements of Sub-paragraph 4603.23 are met.

14. The floor area ratio is 1.07 and does not exceed the maximum of 1.5 as permitted by Paragraph 4603.25 of the Zoning Regulations.

15. The proposed nine parking spaces comply with the requirements of Sub-paragraph 4603.25 of the Zoning Regulations. The computation of nine spaces is confirmed by the Office of Planning and Development and the Department of Transportation reports.

16. There will be no external alterations to the subject building. The architectural design will remain as is and as was originally designed.

17. The applicant's traffic expert witness testified that the proposed relocation of the applicant's chancery from 3421 Massachusetts Avenue, N.W. to the subject site would constitute a trade-off and the relocation would have no adverse impact on traffic operations. There would be no interference with through traffic on Massachusetts Avenue nor would there be any significant increase in traffic on California Street. He also testified that adequate parking space would be provided on-site to meet peak parking requirements.

The Department of Transportation's report, hereinafter discussed under Finding of Fact No. 26, stated that any additional traffic generated by the relocation of the chancery is proportionately insignificant and will not cause a measurable change in conditions.

The Board finds that the proposed use of the subject property will not create dangerous or other objectionable traffic conditions.

18. The applicant has submitted two parking plans to meet the requirements of Sub-paragraph 4603.25 of the Zoning Regulations. The first plan was to provide all parking spaces in the front of the building. Two spaces would be provided in the garage on the west side of the subject building. Seven spaces would have been marked off in what constitutes public space. Under the Zoning Regulations off-street parking requirements cannot be met through the use of public space.

Under the second proposed parking plan, the applicant would provide six parking spaces in the rear of the subject building, one in the circular driveway in front of the building and two in the aforementioned garage. As to the six spaces in the rear the applicant would tear out the rear garden, black top the garden area and provide a driveway in the east side yard of the building which would be connected to the curb cut on California Street that leads to the circular driveway. Through the use of screening, planting and an overhead trellis the applicant suggests that the six parking spaces would create no adverse impact on the adjoining property owners.

19. The Office of Planning and Development in its report, hereinafter discussed under Finding of Fact No. 25, recommended that the applicant consider underground parking. The applicant rejected this recommendation since it stated that such a plan would cost approximately \$150,000 and is accordingly economically prohibitive.

20. All six parking spaces in the rear fit within the property itself but they are not independently accessible. The applicant would provide valet parking so that there would always be one persons available to maneuver the cars.

21. Sub-section 7206.7 of the Zoning Regulations provides that driveways which provide accessibility to parking spaces accessory to any structure other than a one family dwelling or flat shall be not less than fourteen feet in width and have a maximum grade of not more than twelve percent with a vertical transition at intersections. The proposed driveway would be 11.7 feet wide. At the Public Hearing the applicant requested a variance from the Zoning Regulations as to the width of the driveway. However, the applicant presented no evidence or testimony to support the granting of such a variance.

22. To the east of the subject property on California Street, and to west of the property, on Massachusetts Avenue there are twenty-one structures. Seventeen of the structures are residences and four are chanceries. Of the seventeen residences all have garages. Fourteen garages are located in the rear of the properties and three are contained within the structure itself. Of the seventeen garages, twelve have one-car garages and five have two-car garages. None of the four chanceries have garages. All parking spaces provided by the chanceries are open and to the rear of the property. (Exhibit 127)

23. On California Street and on Massachusetts Avenue on-street parking is limited to two hours except for a limited number of diplomatic zones.

24. Pursuant to Sub-section 4604.1 of the Zoning Regulations the application and site plan were referred for review and report to the Office of Planning and Development, the Department of Transportation, the Department of Environmental Services and the Department of Housing and Community Development. Comment was also requested of the U.S. Department of State and the National Capitol Planning Commission. Pursuant to Sub-section 4604.2 the application was referred to the Historic Preservation Officer of the District of Columbia for a report on the impact of the proposed chancery on said district or landmark.

25. By report dated December 1, 1978 the Office of Planning and Development recommended that the application as proposed be denied on the grounds that the use of the rear portions of the site for six off-street parking spaces would be incompatible with the abutting residential properties, particularly the residence immediately to the right of the subject site. The OPD further reported that if the applicant is prepared to build a parking structure entirely underground, preserving the existing topography and garden levels and meeting all regulatory requirements, it would view such development favorably. The Board concurs,

for reasons hereinafter discussed, that the proposed parking plan is incompatible with the abutting residential properties.

26. The Department of Transportation, by memorandum dated December 6, 1978, reported as follows:

"Massachusetts Avenue is a principal arterial with a fifty foot wide roadway southeast of the site and forty foot wide roadway northwest of the site. Parking is prohibited during the peak hours in the peak direction allowing two moving lanes. The 1976 Average Daily Traffic was 32,400.

California Street is a local street with a thirty foot wide roadway. Parking is permitted on both sides allowing one narrow moving lane in each direction. On the north side, parking is restricted to two hours, except for Residential Parking Permit holders. On the south side parking is reserved for diplomats only.

The applicant projects a maximum staff of twenty-six people. Thirty-three percent of the present staff use public transportation, eleven percent walk to work and fifty-six percent use automobiles to commute. The present car occupancy rate is three. At these rates, five parking spaces are needed. Zoning Regulations, however, require nine spaces for this development at the rate of one space for each 800 square feet of gross floor area of chancery use. The applicant is providing the required nine off-street parking spaces.

An entrance to the backyard parking spaces needs to be constructed. An adjustment to the existing curb cut on California Street will be required to provide direct alignment of the entrance to the backyard parking spaces. Coordination with the Department will be necessary for this work.

The proposed chancery is expected to add five to ten automobile trips during the evening peak hours. Massachusetts Avenue, during the evening peak hour, operates in level of service E in the northwesterly direction. However, the additional traffic is proportionately insignificant and will, therefore, not cause a measurable change in conditions.

The Department of Transportation recommended that the proposal be denied if for aesthetic reasons, on-site parking is unacceptable."

The Board concurs with the Department of Transportation report.

27. The Department of Environmental Services, by memorandum dated November 20, 1978, reported that it had reviewed the application and found that it did not have a detrimental impact on the environmental quality of the District of Columbia. Water and sewer services are available to the site.

28. The Department of Housing and Community Development, by memorandum dated December 1, 1978, reported as follows:

"In accordance with Section 4604 of the Zoning Regulations, the Department of Housing and Community Development has reviewed the above application. We note that the proposal not only includes more parking spaces (12) than that required by the requirements of the Zoning District (8) but that all but one of these spaces would be placed within the public rights-of-way adjoining this site. Such a solution fails to meet the Zoning Regulations both for location as well as "keeping with the character of the neighborhood". The site plan is therefore unacceptable.

We note further that no information is supplied concerning the topography of the site so that we cannot judge whether it would be possible to provide the required spaces elsewhere on this site without adverse impact on the surrounding neighborhood. Accordingly, we cannot recommend favorable action on this application."

29. The Department of State, by letter dated December 1, 1978, reported that the Department of State wished to inform the OPD of its strong support for the application of the People's Republic of Bangladesh for a chancery to be located at 2501 Massachusetts Avenue, N. W. The Department of State was of the opinion that this matter involves substantial Federal interests related to the conduct of foreign relations both here and abroad. The Department concluded, after carefully reviewing the application that the proposed use appears to be fully appropriate for its location, does not create adverse impacts, and, based on Section 4603 of the Zoning Regulations, merits approval. The Board appreciates the concerns expressed by the Department of State but for reasons hereinafter more fully discussed the Board cannot concur with the State Department's determination.

30. The National Capital Planning Commission, by letter of November 29, 1978, stated as follows:

"The application, which was received by the Board on October 12, was referred to the Commission by the Director,

Municipal Planning Office, by letter dated November 7, pursuant to Paragraph 4604.1 of the Zoning Regulations. Since the referral was subsequent to the November 2 meeting of the Commission and the public hearing is scheduled on December 6, prior to the December 7 meeting of the Commission, we are unable to present the application to the Commission for report and comment to the Board.

It should be noted, however, that chancery use at the premises 2501 Massachusetts Avenue, N.W. is consistent with the Foreign Missions and International Agencies element of the Comprehensive Plan for the National Capital.

It should be further noted that although the application purports to be an application for a "special exception" the Comprehensive Plan requires that a chancery use at this location shall be permitted as a "matter-of-right".

The Board notes that the notice for the hearing was corrected to indicate that the application is not being considered as a special exception, but rather under the criteria specified in Section 4603 of the Zoning Regulations.

31. The State Historic Preservation Officer for the District of Columbia, by memorandum dated December 1, 1978 reported as follows:

"This is in response to your request of November 8, 1978, for a report pursuant to Section 6404.2 of the Zoning Regulations on the impact of the proposed chancery of the People's Republic of Bangladesh to be located at 2501 Massachusetts Avenue, N.W., which is within the Massachusetts Avenue Historic District.

After reviewing the material originally submitted for review, as well as the revised site plan provided by Mr. Robinson of your staff on December 1, 1978, I am deeply concerned about the potential adverse impact which the proposed parking on the site under either of the submitted plans, will have on significant architectural and historic qualities of the Massachusetts Avenue Historic District. Given the configuration of the lot, its small size and the proximity of the building on the lot to its neighbors, I am of the opinion that the intensity of parking proposed in front of this distinguished building, as indicated on the initial site plan, and particularly in the rear garden, as indicated on the revised site plan, will have a highly undesirable impact on significant residential qualities of 2501 Massachusetts Avenue, as well as of its immediate neighbors in the Massachusetts Avenue Historic District."

The Board so finds.

32. Advisory Neighborhood Commission 1-D testified at the Public Hearing of December 6, 1978 that at it's Town Hall and Commission meeting of November 30, 1978, the ANC voted to oppose the subject application on the following grounds:

1. Zoning Commission Order No. 236 states that the BZA must determine that the proposed Chancery is not incompatible with the present and proposed development of the neighborhood. One basis of determination is the percentage of lot occupancy and minimum yard and court requirements. 2501 Massachusetts Avenue was built as a very large house on a small wedge-shaped lot. It is entirely too close to its neighbors by any standards, particularly for office use.
2. Both proposed off-street parking arrangements necessary to meet the requirements of Order No. 236 will not be in keeping with the character of the neighborhood, another of the review standards. To pave over the rear garden would destroy the appearance and pollute the air of gardens belonging to the next door neighbors and the residents of a portion of Tracy Place. To pave more of the public property in the front for parking, an alternate plan, would be esthetically displeasing and would funnel exhaust fumes into the windows of the house at 2507 Massachusetts Avenue which is extremely close. In either case, the ANC questions whether the parking spaces could meet the requirement of being ten feet away. In regard to parking in the front, the parking arrangements at the Turkish Chancery in the middle of the block have been cited as a precedent. First of all, the Turkish Chancery building is set apart from its neighbors by much greater side yard space than 2501 Massachusetts Avenue. Secondly, it has existed as a Chancery for many years prior to current regulations.
3. The ANC has been told that many of the employees of the Bangladesh Chancery will use public transportation. They did not appear to do so when they worked at what was the Brighton Hotel on California Street. They do not appear to be doing so at their present location on Massachusetts Avenue, understandably because the service is very poor. In fact the bus service on Massachusetts Avenue was another subject of discussion at a recent meeting. The Metrorail Station at Dupont Circle is six blocks from the proposed Chancery. Some of these blocks are very long and some street crossings very difficult and time consuming. In bad weather, not very many people will care to take the walk.

4. The ANC has been told that office use is preferable to residential use because the building will be empty at the end of the day, unless the third floor guest quarters are in use. The fallacy in this statement is that the office use produces traffic during the very hours that the problem is most acute in the neighborhood. At night, parking for entertainment, etc. at the residences is no problem. As for noise, the sounds of children and entertaining are to be expected and are accepted in a residential neighborhood.
5. One argument always set forth for Chancery use is that large houses are no longer salable for private residential use. In recent times, in Sheridan-Kalorama, two large houses on S Street have been sold, one to a private individual and one to an Ambassador for his home. A very large house on R Street has been sold privately. The largest and most lavish of all was just sold for an Embassy for one and a half million dollars, not for a Chancery.
6. When determining the compatibility of the proposed Chancery with the present and proposed development of the neighborhood, it is necessary that a clear look be taken at the residential elements as well as at the existing Chanceries. It is the same problem as deciding whether a glass with some water in it is half full or half empty. The neighborhood has been looked at from only one direction. The survey which the ANC submitted, which is marked as Exhibit 118, clearly establishes the residential character of the area.
7. While the ANC accepts the fact that precedents are not to be considered as valid arguments pro or con before the BZA and that therefore future requests for Chancery use would not be influenced by your decision in this, Sheridan-Kalorama is already feeling the results of the mere fact that this Hearing is being held. A very large house is being advertised as being in "Designated Chancery Zoning" without any mention of BZA approval. There's also a law office quietly establishing itself in a former Chancery related house on the basis of the twisted logic that if a Chancery is an office, and the law business is an office, therefore the house can be used for offices. No attempt has been made to obtain a Certificate of Occupancy or BZA approval.

The ANC concluded that if this very unsuitable house is allowed to be used as a Chancery, it will be the beginning of the end for its beautiful residential neighborhood. This does not

mean that under Zoning Commission Order No. 236, no Chanceries can be allowed. To the ANC it means that it must prevent the use of unsuitable house for Chanceries or the word will be out that anything goes in Sheridan-Kalorama.

33. The Sheridan Kalorama Neighborhood Council (SKNC) and the two abutting residential property owners, all represented by the same counsel, appeared in opposition to the application. In addition to the same kinds of issues raised by the ANC and already cited herein, the SKNC and the abutting owners took the following positions:

1. The applicant was on notice when it acquired the property in 1977 that alteration or use of the property as a chancery was not permitted under the Zoning Regulations, that the applicant had proceeded to alter the building without obtaining permits from the proper authorities of the District of Columbia, and that the applicant had therefore jeopardized its credibility in now appearing before the Board and requesting permission to use the premises as a chancery.
2. The Board lacks jurisdiction to hear the application on the ground that the Orders of the Zoning Commission creating and mapping the Diplomatic Districts are unlawful.

34. There were approximately one hundred letters from neighboring property owners in opposition to the application on the grounds that when the subject property was purchased it was represented that it would be used as an Embassy and not a Chancery and that the subject district is a residential district.

35. There was one letter of record in favor of the application. The writer is the owner of the building in which the present chancery of the applicant is located.

36. The Board is required by statute to give great weight to the issues and concerns expressed by the ANC. In the subject application the Board agrees with all the concerns expressed by the ANC except for item three. The Board believes that public transportation is adequate in the area, and that it is reasonable to expect employees to use public transportation where available. The Board concurs in the ANC's resolution that the application be denied.

37. As to the additional issues raised by parties in opposition, the Board finds that the credibility of the applicant is not at issue in this case. The Board finds that, even though alterations were made to the property without proper permits, applicant has not occupied the property illegally, that the alterations already accomplished could suit the building as well for residential use

as for chancery use, and that the statements of the applicant relative to its intention when it originally acquired the building before chancery use could even be applied for, must be accepted at face value.

CONCLUSIONS OF LAW:

The opposition has raised the question of whether the Board even has jurisdiction to hear and decide the application. As raised by the opposition, the question of jurisdiction relates to the legality of Zoning Commission Order No. 236 and 237 which created and mapped the Diplomatic District. The Board concludes that it is not the proper forum in which to raise such an issue, and that absent any stay on the effectiveness of the Zoning Commission Orders, the Board has jurisdiction to hear and decide the case.

Based on the record, the Board concludes that the applicant has not met the requirements of Section 4603 of the Zoning Regulations. The subject building exceeds the lot occupancy (Finding of Fact No. 12) and the west side yard is not eight feet wide in its entirety (Finding of Fact No. 13). The Board notes that the applicant at the Public Hearing of December 6, 1978 requested permission to amend its application and seek variances from the lot occupancy and side yard requirements of the Zoning Regulations. The Board concludes that the applicant has not demonstrated why the property qualifies for a variance, in that the applicant has not shown any "exceptional narrowness, shallowness or shape" or "exceptional situation or condition" of the subject property and has not demonstrated how the strict application of the Regulations "would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner " of the property. The Board notes, however, that it need not consider these requests for variances since, based on the record these issues are not dispositive of this application.

The central and controlling issue in this application is whether the applicant has met the requirements of Sub-section 4603.21 in establishing that the arrangement of the off-street parking spaces are in keeping with the character of the neighborhood. The Board thinks not and agrees with the reasoning of the community opposition, the ANC, the Office of Planning and Development, the Department of Transportation and the State Historic Preservation Officer. The Board's rationale is based on the following issues. The subject area is a residential area zoned D/R-1-B. There are thirty four structures in the subject square of which twenty-eight are residences and only six are chanceries (Finding of Fact No. 9). On California Street and on Massachusetts Avenue there is on-street parking limited to two hours which reflects the residential character of the neighborhood (Finding of Fact

No. 23). The applicant proposes to relocate its present chancery to the subject site. The relocation will cause the presence of an ambassador, seven officers, eighteen employees, nine automobiles, the occupants of three "residential units" on the third floor and visitors (Finding of Fact No. 8). Office uses, such as a chancery, with its inherent characteristics of noise, increased traffic of people and cars and deserted buildings at night are not indigenous to the subject predominately residential neighborhood.

As to the proposed parking scheme for the rear of the subject building in a predominately residential area the applicant proposes six spaces. Much of the rear garden would be eliminated to accommodate the six spaces. The area would be black-topped. Valet parking would be required since the area does not provide maneuverability for all six cars and a variance would be required for the proposed driveway since it is not fourteen feet wide as required by the Zoning Regulations (Findings of Fact No. 18, 20 and 21). Of the seventeen residences in the immediate area of Massachusetts Avenue and California Street all have garages. Fourteen are in the rear yards and twelve of them have a one car garage and five have two car garages (Finding of Fact No. 22).

Also, the configuration of the subject lot is wedge-shaped. On it's west side, the building at one point is only approximately one foot from the adjoining building. The noise and fumes from the six cars in the rear would have an adverse impact particularly on the residences to the east and west of the subject site. The intensity of the parking in general would not be in keeping with the character of the existing neighborhood in which parking facilities constitute enclosed parking of one or two cars in the rear of the property while still preserving a garden. The aesthetic appearance of the neighborhood would be violated, as well as the amenities of residential living, if this parking proposal was permitted.

The Board has satisfactorily addressed itself to the issues and concerns of the ANC. For the reasons cited above including the area variances needed, an office use in a predominately residential neighborhood and a parking proposal that is out of character with the neighborhood, the Board concludes that this particular subject property is not suitable for a chancery and that the chancery is not compatible with the present and proposed development of the neighborhood. Accordingly, the application is DENIED.

CONCURRING OPINION OF WILLIAM F. McINTOSH

I concur in the denial of the application solely on the grounds that, as indicated in Findings of Fact Nos. 12 and 13, the percent of lot occupancy exceeds the maximum permitted in, and the minimum yard requirements are not met for, the D/R-1-B District in which the premises are located.

I do not agree with the majority of the Board that the "central and controlling issue in this application is whether the applicant has met the requirements of Sub-section 4603.21". Section 4603 of the Zoning Regulations requires that the Board determine, among other matters, that a proposed chancery "is not incompatible with the present and proposed development of the neighborhood" (Sub-section 4603.1) and find that "[t]he architectural desing and the arrangement of all structures and of off-street parking spaces are in keeping with the character of the neighborhood" (Sub-section 4603.21) and "[t]he use will not create dangerous or other objectionable traffic conditions" (Sub-section 4603.28).

These provisions clearly purport to make chanceries special exception uses in D District notwithstanding the clear requirement of the Foreign Missions and International Agencies element of the Comprehensive Plan for the National Capital that chanceries shall be permitted as a matter of right in areas meeting the criteria in Section 313.41 of, and indicated on the Foreign Missions and International Agencies diagram in, the Comprehensive Plan. Amending the notice for the hearing in this case to "indicate that the application is not being considered as a special exception" (Findings of Fact Nos. 1 and 30) does not change the nature of the case.

Accordingly, the "special exception" provision of Section 4603 of the Zoning Regulations does not comply with the requirement in Section 2 of the Act of June 20, 1938, as amended by the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 5-414), that the Zoning Regulations "shall not be inconsistent with the comprehensive plan for the National Capital" and does not provide a basis for the denial of an application for chancery use in D Districts.

VOTE:

5-0 (Chloethiel Woodard Smith, Ruby B. McZier, Charles R. Norris, William F. McIntosh and Leonard L. McCants to deny)

BZA NO. 12822
PAGE 15

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 22 JUN 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."